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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/511,106	10/14/2004	Tuija Hurta	47092.00103	6476
32294 7590 04/16/2009 SQUIRE, SANDERS & DEMPSEY L.L.P. 8000 TOWERS CRESCENT DRIVE 14TH FLOOR VIENNA, VA 22182-6212				
EXAMINER MAGLOIRE, VLADIMIR				
ART UNIT		PAPER NUMBER		
2617				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/511,106

**Applicant(s)**

HURTTA, TUIJA

**Examiner**

VLADIMIR MAGLOIRE

**Art Unit**

2617

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☒ Claim(s) 20 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 October 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-8508)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 16 recites the limitation " a) wherein said switching node...". There is insufficient antecedent basis for this limitation in the claim.
3. Claim 16 recites the limitation " b) wherein said switching node...". There is insufficient antecedent basis for this limitation in the claim.
4. Claim 16 recites the limitation " to be set up to said other switching node...". There is insufficient antecedent basis for this limitation in the claim.
5. Appropriate corrections are required. As a suggestion, naming the two switching nodes, first switching node and second switching node may remedy the issue, as done in claim 1.

### *Double Patenting*

A rejection based on double patenting of the "same invention" type finds its support in the language of 35 U.S.C. 101 which states that "whoever invents or discovers any new and useful process ... may obtain a patent therefor ..." (Emphasis added). Thus, the term "same invention," in this context, means an invention drawn to identical subject matter. See *Miller v. Eagle Mfg. Co.*, 151 U.S. 186 (1894); *In re Ockert*, 245 F.2d 467, 114 USPQ 330 (CCPA 1957); and *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970).

A statutory type (35 U.S.C. 101) double patenting rejection can be overcome by canceling or amending the conflicting claims so they are no longer coextensive in scope. The filing of a terminal disclaimer cannot overcome a double patenting rejection based upon 35 U.S.C. 101.

6. Claim 20 is objected to under 37 CFR 1.75 as being a substantial duplicate of claim 19, with respect to claim 19's dependency on claim 17. When two claims in an

application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

1. Claims 1-9 and 12-15 are rejected under 35 U.S.C. 102(a) as being anticipated by 3GPP TR 23.846 (1/2002 Prior art Date provided by Applicant) (**TR23846**).

Consider claim 1, TR23846 discloses a method of setting up a broadcast or multicast transmission to a plurality of terminal devices via a first switching node and a second switching node of a data network (see **TR23846, sections 1, 5.1 and fig. 1 of section 6.1, discloses broadcasting multimedia services to a plurality of users via a SGSN “second switching node” and a GGSN “first switching node”**), said method comprising the steps of: a) providing to said first switching node an information indicating the number of connections required between said second switching node and said plurality of terminals (see **TR23846, section 6.1.4, discloses the SGSN establishes a connection with the GGSN for each MBMS service and in section 7.4 step 6 the SGSN requests the GGSN to make one connection**); and b) determining based on said provided information a number of connections to be set up a

number of connections to be set up between said first switching node and said second switching node **(see TR23846, section 6.1.4, section 7.4 step 7, discloses the GGSN establishes one connection based on the one request sent by the SGSN, therefore the number connections is inherently determined).**

Consider claim 12, TR23846 discloses a system for setting up a broadcast or multicast transmission to a plurality of terminal devices via a first switching node and a second switching node of a data network **(see TR23846, sections 1, 5.1 and fig. 1 of section 6.1, discloses broadcasting multimedia services to a plurality of users via a SGSN “second switching node” and a GGSN “first switching node”)**, a) wherein said first switching node is arranged to set up an initial connection to said second switching node **(see TR23846, section 6.1.2, section 7.4 step 7)**, and b) wherein said second switching node is arranged to transmit to said first switching node via said initial connection an information indicating the number of connections required between said second switching node and said plurality of terminals **(see TR23846, section 6.1.4, discloses the SGSN establishes a connection with the GGSN for each MBMS service and in section 7.4 step 6 the SGSN requests the GGSN to make one connection)**; and c) wherein said first switching node is arranged to determine based on said provided information a number of connections to be set up between said first switching node and said second switching node **(see TR23846, section 6.1.4, section 7.4 step 7, discloses the GGSN establishes one connection based on the one request sent by the SGSN).**

Consider claim 2, TR23846 discloses method according to claim 1, wherein said number of connections to be set up between said first and second switching nodes is determined to be equal to said number of connections indicated by said provided information **(see TR23846, section 6.1.4)**.

Regarding claim 3, the limitations have been analyzed in claim 1.

Consider claim 4, TR23846 a method according to claim 1, wherein said connections are tunnel connections **(see TR23846, section 6.1.2, discloses GTP tunnels establishment between GGSN and SGSN)**.

Consider claim 5, TR23846 discloses a method according to any one of the preceding claims claim 1, wherein said providing step comprises the steps of setting up an initial connection between said first and second switching nodes and transmitting said information from said second switching node to said first switching node in response to a request of said first switching node **(see TR23846, section 7.4 steps 6 and 7)**.

Consider claim 6, TR23846 discloses a method according to claim 5, wherein said information is transmitted in a response message to a context activation request **(see TR23846, section 7.4 steps 6 and 7)**.

Consider claim 7, TR23846 discloses a method according to claim 5, wherein said information is transmitted in a response message to an identification request issued by said first switching node **(see TR23846, section 7.4 steps 6 and 7)**.

Consider claim 8, TR23846 discloses a method according to claim 7, wherein a context activation for said determined number of connections is requested by said first

switching node in response to the receipt of said response message (**see TR23846, section 7.4 steps 6 and 7**).

Consider claim 9, TR23846 discloses a method according to claim 7, wherein a context activation for said determined number of connections is requested by said second switching node after the transmission of said response message (**see TR23846, section 7.4 steps 6 and 7**).

Consider claim 13, TR23846 discloses a system according to claim 12, wherein said first switching node is a GGSN and said second switching node is an SGSN (**see the analysis of claim 12**).

Consider claim 14, TR23846 discloses a system according to claim 12, wherein said second switching node is arranged to transmit said information in a response message to a context activation request issued by said first switching element (**see TR23846, section 7.4**).

Consider claim 15, TR23846 discloses a system according to claim 12, wherein said second switching node is arranged to transmit said information in a response message to a identification request issued by said first switching element (**see TR23846, section 7.4**).

#### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 10 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over TR23846 in view of Leroy (EP 1071296 A1).

Consider claim 16, TR23846 discloses a switching node for setting up a broadcast or multicast transmission to a plurality of terminal devices via another switching node of a data network (see TR23846, sections 1, 5.1 and fig. 1 of section 6.1, discloses broadcasting multimedia services to a plurality of users via a SGSN “second switching node” and a GGSN “first switching node”), a) wherein said switching node is arranged to access a request in order to derive an information indicating the number of connections required between said other switching node and said plurality of terminals (see TR23846, section 7.4 step 6, 7); and b) wherein said switching node is arranged to determine based on said derived information a number of connections to be set up to said other switching node (see TR23846, section 6.1.4, section 7.4 steps 6, 7, discloses the GGSN is arranged to determine a number of connections based on the information provided by the SGSN).

TR23846 does not specifically disclose accessing a memory table.

Leroy discloses accessing a memory table (see Leroy, paragraphs [0025-0028, 0030], fig. 3 “routing table”).

Given that Leroy discloses the well known technique of accessing a memory table in a MBMS system, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify TR23846 by specifying the well known technique of accessing a routing table, as taught by Leroy.



Consider claim 10, TR23846 discloses a method according to claim 1, wherein said providing step comprises the steps of storing said information in a memory table accessible by said first switching node **(see the analysis of claim 16)**.

4. Claims 11, 17 to 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mizell (US 7,289,462 B1).

Consider claim 17, Mizell discloses a switching node for setting up a broadcast or multicast transmission to a plurality of terminal devices via another switching node of a data network **(see Mizell, fig. 1 item 132 and 128 discloses a two switching nodes to provide broadcast access)**, a) wherein said switching node is arranged to query, using a IP address, from an address server an information indicating the number of connections required between said other switching node and said plurality of terminals **(see Mizell, fig. 4 steps 428 to 440, discloses the GGSN queries the DHCP server for the IP address of one user connected to the SGSN, therefore the GGSN is arranged to query an address server)**; and b) wherein said switching node is arranged to determine based on said queried information a number of connections to be set up to said other switching node **(see Mizell, Col 3 lines 18 to 28, Col 5 lines 62 to 67, Col 6 lines 1 to 8, discloses the GGSN determines SGSN to which the mobile is attached and creates the required PDP context for the one mobile user, therefore the GGSN is arranged to determine to one connection is required to be set up)**.

Mizell does not specifically disclose a multicast identification or a multicast area identification, however, since Mizell discloses querying based on IP address, and since

an IP address and multicast address are similar in form, it would have been obvious to one of ordinary skill in the art at the time of the invention to specify a a multicast identification or a multicast area identification.

Consider claim 11, TR23846 discloses a method according to claim 1, wherein said providing step comprises the steps of performing a query to an address server using an identification information or an area identification information of said broadcast or multicast transmission **(see the analysis of claim 17)**.

Consider claim 18, Mizell discloses a switching node according to claim 17, wherein said address server is a DNS **(see Mizell, fig. 5 item 508 and 512, discloses querying a DHCP server, as opposed to a DNS server, however it would have obvious to specify a DNS server since a DNS and DHCP servers are commonly combined)**.

Consider claim 19, Mizell discloses a switching node according to claim 16 or 17, wherein said switching node is a GGSN **(see Claim 17 analyses)**.

Consider claim 20, Mizell discloses switching node according to claim 17, wherein said switching node is a GGSN **(see Claim 17 analyses)**.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to VLADIMIR MAGLOIRE whose telephone number is (571)270-5144. The examiner can normally be reached on Monday to Thursday, 8:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nick Corsaro can be reached on 571-272-7876. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/NICK CORSARO/  
Supervisory Patent Examiner, Art Unit 2617

/Mladimir Magloire/  
Examiner, Art Unit 2617 3/15/09